

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

SHANNON FERENCZ, Administratrix
of the ESTATE OF CADE STEVENS,
and
SHANNON FERENCZ, individually,

Plaintiffs,

VS.

LARRY MEDLOCK, WARDEN OF THE
FAYETTE COUNTY PRISON, in both his
Official and Individual Capacities, BRIAN
MILLER, DEPUTY WARDEN OF THE
FAYETTE COUNTY PRISON, in both his Official
and Individual Capacities; GEARY O'NEIL,
BARRY SIMON, JOHN DOE #1, JOHN DOE #2,
JOHN DOE #3 and JOHN DOE #4 in their
Official and Individual
Capacities, LOUIS KRAKOWSKI, in his Official
and Individual Capacities, FAYETTE COUNTY,
Pennsylvania, PRIMECARE MEDICAL, INC.,
CAROL YOUNKIN, in her Official and Individual
Capacities, and TIMMEE BURNSWORTH, in her
Official and Individual Capacities,

Defendants.

Civil Action No. 2:11-cv-1130

TYPE OF PLEADING:

**Petition for Leave to File Revised
Reply to Defendants' Motions
to Second Amended Complaint.**

FILED ON BEHALF OF:

Shannon Ferencz, Administratrix of
the Estate of Cade Stevens and
Shannon Ferencz, Individually.

COUNSEL OF RECORD:

Noah Geary, Esquire
225 Washington Trust Building
Washington, PA 15301
PA ID 78382

June 19, 2012

JURY TRIAL DEMANDED.

AND NOW COME the Plaintiffs, and submit as follows:

1. In compliance with the Federal Rules of Civil Procedure, the Plaintiffs filed a Second Amended Complaint in this matter, Document No. 38.
2. Defendants Fayette County and Louis Krakowski filed a Rule 12 Motion or in the alternative a Motion for Summary Judgment to the Second Amended Complaint at Document No. 39.
3. Defendants Prime Care Medical, Inc., Carol Younkin and Timmee Burnsworth filed a Motion for Judgment on the Pleadings and Brief in support thereof at Document Nos. 44 and 45.
4. In response, the Plaintiffs filed a Reply Brief at Document No. 47.
5. Upon recent review of the filings, the undersigned noticed that Plaintiffs' Reply Brief was titled only as a Reply to Document Nos. 44 and 45, the Motion for Judgment on the Pleadings and Brief in Support thereof filed by Defendants Prime Care Medical, Inc., Carol Younkin and Timmee Burnsworth.
6. However, the Plaintiffs' Reply Brief, Document No. 47, was also intended to respond to Defendants' Fayette County and Louis Krakowski Rule 12 Motion or in the alternative a Motion for Summary Judgment to the Second Amended Complaint at Document No. 39.
7. This is because Document No. 39 deals with the identical issues as Document Nos. 44 and 45.
8. In an oversight by the undersigned, Document No. 47, Plaintiffs' Reply Brief, was titled only as a reply to Document Nos. 44 and 45; it was intended to have been titled as a reply to Document No. 39 as well.

9. Therefore, the Plaintiffs respectfully request this Honorable Court to permit them to file the attached Revised Reply Brief to Defendants' Motions to the Second Amended Complaint filed in this matter.
10. The only change consists of the re-titling of the document and the addition of one sentence immediately before the wherefore clause.

WHEREFORE, the Plaintiffs respectfully request this Honorable Court to permit them to file the attached Revised Reply to the Defendants' Motions to the Second Amended Complaint filed in this matter.

Respectfully submitted,

/s/ Noah Geary
Noah Geary, Esquire
Attorney for the Plaintiffs
Suite 225
Washington Trust Building
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CERTIFICATE OF SERVICE:

I, Noah Geary, Esquire hereby certify that I have served all opposing parties with a copy of the foregoing Pleading via electronic filing, this day, to their respective counsel of record.

June 19, 2012

/s/ Noah Geary, Esquire